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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,660	11/06/2000	Akihiko Mizutani	JP919990207-US1	8588

7590 05/21/2003  
Anne Vachon Dougherty Esq  
On behalf of IBM Corporation  
3173 Cedar Road  
Yorktown Heights, NY 10598

EXAMINER

HARRY, ANDREW T

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/706,660

Applicant(s)

MIZUTANI ET AL.

Examiner

Andrew T Harry

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by ***Raith*** U.S.

**Patent 6,493,550 (“*Raith*”).**

As pertaining to **claims 1-4, 13 and 17**, *Raith* teaches a wireless apparatus, method, and program storage device containing a program allowing the apparatus to initiate a search for a radio station during a multi-hop, ad-hoc communication session comprising (see *Raith*, abstract and col. 6 lines 48-67 and Fig. 1):

signal monitoring component for detecting the strength of the communication signal (see *Raith*, col. 7 lines 31-56);

comparator component for comparing the detected strength of the signal to a predetermined reference and for generating a initiation signal to initiate said search (see *Raith*, col. 7 lines 31-56 and col. 8 lines 43-57).

As pertaining to **claims 5-8, 14 and 18**, *Raith* teaches a wireless apparatus, method, and program storage device containing a program allowing the apparatus to initiate a search for a radio station during a multi-hop, ad-hoc communication session comprising (see *Raith*, abstract and col. 6 lines 48-67 and Fig. 1):

Application/Control Number: 09/706,660  
Art Unit: 2683

interference detection component for detecting the intensity of interference in the session  
(see *Raith*, col. 8 lines 43-57);

comparator component for comparing the detected strength of the signal to a  
predetermined reference and for generating a initiation signal to initiate said search (see *Raith*,  
col. 7 lines 31-56 and col. 8 lines 43-57).

As pertaining to **claims 9-12, 15 and 19**, *Raith* teaches a wireless apparatus, method, and  
program storage device containing a program allowing the apparatus to initiate a search for a  
radio station during a multi-hop, ad-hoc communication session comprising (see *Raith*, abstract  
and col. 6 lines 48-67 and Fig. 1):

signal monitoring component for detecting the strength of the communication signal (see  
*Raith*, col. 7 lines 31-56); and

comparator component for comparing the detected strength of the signal to a  
predetermined reference and for generating a signal to alter the frequency of said monitoring (see  
*Raith*, abstract and col. 6 lines 17-67).

As pertaining to **claim 16**, *Raith* teaches that said altering comprises increasing frequency  
of monitoring to search for radio stations when the signal strength is less than a predetermined  
reference and decreasing the frequency when the signal strength exceeds the predetermined  
reference (see *Raith*, col. 5 line 24-col. 6 line 67).

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's  
disclosure.

Application/Control Number: 09/706,660  
Art Unit: 2683

B. Robert et al. U.S. Patent 6,104,712 teaches a wireless communication network including plural migratory access nodes.

C. Minamisawa U.S. Patent 6,026,303 teaches a method for determining optimal parent terminal and ad hoc network for the same.

D. Nakagawa et al. U.S. Patent 5,745,483 teaches a wireless computer network communication system and method having at least two groups of wireless terminals.

E. Stillman et al. U.S. Patent 5,551,066 teaches a network link controller for dynamic designation of master nodes.

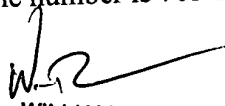
F. Haartsen U.S. Patent 6,519,460 teaches resource management in uncoordinated frequency hopping system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T Harry whose telephone number is 703-305-4749. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

ATH  
May 13, 2003

  
WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600